

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

*In Re* Flint Water Cases

No. 5:16-cv-10444-JEL-EAS

HON. JUDITH E. LEVY

MAG. ELIZABETH A. STAFFORD

**CLASS PLAINTIFFS' UNOPPOSED MOTION FOR PERMISSION TO  
EXCEED REPLY BRIEF PAGE LIMITS OR, ALTERNATIVELY, TO  
SUBSTITUTE REPLY BRIEFS**

Pursuant to Local Rule 7.1(d)(3), Class Plaintiffs respectfully request an order retroactively permitting a reply brief in excess of seven pages. Specifically, two of Class Plaintiffs' recently filed motion in limine reply briefs exceed the seven-page limit outlined by Local Rule 7.1(d)(3)(B). Class Plaintiffs regret this error, which VNA brought to their attention. Upon VNA's request, Class Plaintiffs now seek leave to exceed the limit for these two briefs, *see* ECF No. 2789 (reply in support of Class Plaintiffs' Motion in Limine No. 4) & ECF No. 2773 (reply in support of Class Plaintiffs' Motion in Limine No. 9), which are one page and three pages over the seven-page limit, respectively, or alternatively to substitute the attached corrected brief. VNA has informed Class Plaintiffs that it takes no position on this motion.

As the Court is well aware, this case involves novel questions of law and important issues that affect an entire community that deserve full airing and consideration. Class Plaintiffs are mindful of the Court's time when preparing briefs

and strive to be concise, including only what is necessary for the Court's consideration. For instance, Class Plaintiffs' briefs (main and reply) supporting Motion in Limine No. 4 amount to fourteen (14) pages of argument in total, and briefs supporting Motion in Limine No. 9 amount to seventeen (17) pages. And VNA will not be prejudiced by this modest accommodation; their briefs as to these motions are eleven (11) and twenty-five (25) pages, respectively.

Alternatively, Class Plaintiffs have provided the attached edited briefs. Should the Court not grant Class Plaintiffs' request to exceed the page limit, Class Plaintiffs request permission to substitute the attached briefs, which have been edited to seven pages. *See* Exs. 1 & 2. Permitting Class Plaintiffs to substitute the attached briefs for those filed will not cause any prejudice to VNA, as they remove rather than add material.

Dated: December 28, 2023

Respectfully submitted,

By: /s/ Theodore J. Leopold

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**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing instrument was filed with the U.S. District Court through the ECF filing system and that all parties to the above case were served via the ECF filing system on December 28, 2023.

Dated: December 28, 2023

/s/ Theodore J. Leopold

Theodore J. Leopold

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